

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**SREAM INC, and REPUBLIC TOBACCO
NA,**

Plaintiffs,

v.

**Fedaa Masood doing business as Sunshine
Food-4**

Defendants.

Case No. 1:20-cv-00209

Judge Coleman

JUDGMENT ORDER

This matter coming before the Court on Plaintiffs' Motion for Entry of Default Judgment under Rule 55(b), and after considering the prove-up materials and memorandum submitted by movant, the Court hereby finds, and it is ORDERED:

1. The Plaintiffs filed their Complaint on January 20, 2020 [Dkt. 1].
2. The Summons and Complaint was served on Fedaa Masood doing business as Sunshine Food-4 on April 4, 2020 [Dkt. 9].
3. The Defendants have failed to respond to the Complaint or otherwise appear in this instant action.
4. Plaintiffs have sought entry of default, and default judgment and filed prove-up materials and a memorandum of law.
5. In counterfeit trademark cases, the balance in setting statutory damages is providing some measure of compensation and deterrence, without crossing the line into over-deterrence. Relevant considerations include the nature and price of the product; the volume of sales (or an estimate depending on the size of the offending retail operation); any safety and

health risks of the counterfeit goods; and the strength of the mark. See, e.g., *Republic Technologies (NA) LLC v. Smoke Shop for You XX, Inc.* 19 C 8462 (N.D. Ill. 2020) (Chang, J.).

6. Here, the tobacco pipe bought by the investigator reported there were three offending RooR pipes being offered at the location. (Dkt. 22, Ex. B). And on default willfulness is presumed.

7. Additionally, as the court in *Smoke Shop for You XX, Inc.*, concluded, “there actually is some health concern with counterfeit products that are designed to convey vapors into the body.” *Id.*

8. The amount sought by Plaintiffs is consistent with other statutory damage awards made by judges in this District. See, e.g., *Republic and Sream v. Smoke Shop For You XX, Inc.* (19-cv-08462) (Chang, J.) (awarding \$30,000 in statutory damages); *Roor and Sream v. Smoker’s Zone.* (19-cv-05014) (Lee, J.) (\$30,000 in statutory damages); *Roor and Sream v. Lakeview Smoke and Vape, Inc.* (19-cv-06489) (Dow, J.)(\$30,000 in statutory damages); *Republic v. Sam 1, Inc.* (19-7974)(Kennelly, J.)(\$20,000 in statutory damages); *Republic v. Norridge Tobacco*, 19 C 5025)(Kennelly, J.)(\$20,000 in statutory damages); *Roor v. Cool Stuff*, 19 C 5469 (Blakey, J.) (\$20,000 in statutory damages).

9. Accordingly, the Court awards \$20,000.00 in statutory damages, as requested. In addition to the statutory damages, \$885.35 is awarded for costs (the filing fee, investigator fee, and service expense). The total judgment amount is thus \$20,885.35.

10. A separate AO-450 judgment shall be entered.

Judgment is entered in favor of ROOR INTERNATIONAL BV and SREAM, INC., and against Fedaa Masood in the amount of \$20,885.35.

ENTERED:

A handwritten signature in black ink, appearing to read "Sharon Johnson Coleman", written over a horizontal line.

Hon. Sharon Johnson Coleman
United States District Judge

Dated: 8/27/2020